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Date: January 18, 2005
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Re: 10/701,328

Number of Pages Including this Page 4

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MESSAGE:

US Serial No.: 10/701,328
Filing Date: 11/03/2003
Group Art Unit: 2818
Docket No: 03-1781
Examiner: Phuc T. Dang
Response to Restriction Requirement

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PTO/SB/21 (09-04)

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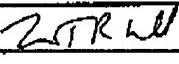
TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission **3**Application Number **10/701,928**Filing Date **11/03/2003**First Named Inventor **Ernest Allen, III et al.**Art Unit **2818**Examiner Name **Phuc T. Dang**Attorney Docket Number **03-1781****ENCLOSURES (Check all that apply)**

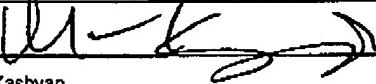
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Remarks Response to Restriction Requirement		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	LSI Logic Corporation		
Signature			
Printed name	Timothy R. Croll		
Date	January 18, 2005	Reg. No.	36,771

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In re Application of: Ernest Allen III et al.)
) Group Art Unit: 2818
)
 Serial No.: 10/701,328) Examiner: Phuc T. Dang
)
 Filed: November 3, 2003) Atty. Docket No.: 03-1781
)
 For: Method for Performing Statistical)
 Post Processing in Semiconductor)
 Manufacturing using ID Cells)

RESPONSE TO OFFICIAL ACTION
Restriction/Election Requirement

Hon. Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This response is presented to the Office Action mailed December 21, 2004, wherein the Examiner required restriction pursuant to 35 U.S.C. §121. Election is hereby made, *with traverse*, to prosecute Group I, method claims 1-8 and 14-20.

Remarks/Arguments

Reconsideration of the restriction is respectfully requested. Applicant respectfully submits that the Restriction/Election Requirement has improperly characterized Group II, claims 9-13 as being drawn to an apparatus for **etching feature in a dielectric layer**. Claim 9 (and claims 10-13, which depend from claim 9) is in fact drawn towards an **interconnection test fixture** configured for connection between a semiconductor tester and a wafer. There is simply no mention in claims 9-13 of etching a dielectric layer.

Moreover, restriction is not required by 35 U.S.C. §121, as suggested in the Office Action. Congress wisely granted the *discretion* to restrict applications. According to 35 U.S.C. §121 "... the Commissioner *may* require the application to be restricted...." (emphasis added).

Furthermore, MPEP § 803 lists two criteria that must be present for restriction to be proper:

- 1) The inventions must be independent or distinct as claimed; and